IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 92 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30/11/2004 in WP No. 21931 OF 2004 on the file of the High Court.)

Between:

Iqbal Ahmed Khan S/o.Hameed Khan
Pinjarigutta, Nirmal,
Adilabad District.

..... APPELLANT

AND

1.Syed Zafar Hussain S/o.Syed Amjad Hussain
H.No.5-2-5,Budawarpet, Nirmal,
Adilabad District.
2. The Andhra Pradesh Wakf Board, rep by its Chief Executive Officer, Nampally, Hyderabad.
3. Jamia Mosque Managing Committee through its President,Syed Azar Hussain Gajulapet, Nirmal Town & Mandal, Adilabad Dist

.....RESPONDENTS

Counsel for the Appellant: Mr. P.PURUSHOTHAM REDDY

Counsel for Respondent No.1: Mr. Mohd.Moin Ahmed Quadri

Counsel for Respondent No.2: Mr. A.M.Qureshi

Standing Counsel for Wakf Board.

Counsel for Respondent No.3: None appeared.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

The appellant, who is a President of ad hoc Managing Committee, had filed Writ Petition No. 19102 of 2004, in which, on 4.11.2004, interim order was passed directing the first respondent to depute or appoint any fit person for the management of Nirmal Town Jamia Mosque Wakf properties till the elections are conducted constituting new Managing Committee in place of 2nd respondent therein, whose term had come to an end on 4.1.2004. While this order was in operation, Writ Petition No. 21931 of 2004 was decided by another learned Single Judge on 13.11.2004. In the said Writ Petition, appellant herein was not impleaded as party and the said Writ Petition was disposed of with direction for holding elections within two months. Appellant is aggrieved against the said order and filed this appeal by seeking leave of the court.

There are number of allegations made by the appellant against the third respondent herein and of the adverse implication of the order. We need not go into those aspects in this Appeal as, in our view, appellant was a necessary party in the Writ Petition decided by the learned Single Judge on 13.11.2004, more especially, when attention of the Court had been drawn to the earlier order passed in the Writ Petition filed by the appellant. Accordingly, we allow the Appeal and set aside the order with direction to dispose of Writ Petition No. 21931 of 2004 afresh in accordance with law. The appellant herein will be shown as Respondent No.3 in the said Writ Petition and given full opportunity to contest the writ petition. Parties are directed to appear before the learned Single Judge on 7.2.2004.

It is needless to add that the observations made herein will not affect the merits of the case before the learned Single Judge.

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DEVINDER GUPTA, C.J.

18.1.2005

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M.NARAYANA REDDY, J.

VR.

To

1. The Chief Executive Officer, Andhra Pradesh Wakf Board, Nampally, Hyderabad.

2. The Section Officer, Posting Section, High Court of A.P., Hyderabad.

3. Two CD copies.